

441—113.4(237) Provisions pertaining to the license.

113.4(1) Number of children. A foster family home shall be licensed for the care of up to five children including the foster family’s biological and adoptive children and any relative placements. Any variance to this rule must:

- a. Be approved by the service area manager or designee.
- b. Be documented in the licensing record with reasons given for granting the variance.
- c. Meet one of the following criteria:

(1) A variance is necessary to keep a sibling group together. No variance shall be granted if the foster home is at licensed capacity and there are no members of the sibling group in the foster home.

(2) The foster parents have three or more biological and adoptive children and relative placements in the home and have shown the ability to parent a large number of children. A variance may be approved to allow the placement of up to three foster children as set forth in the chart below:

No. of birth/relative/adoptive placements	Maximum License Capacity:	
	Without variance	With variance
0 children	5	Not applicable
1 child	4	Not applicable
2 children	3	Not applicable
3 children	2	3
4 children	1	3
5 or more children	0	3

(3) An emergency placement must be made in a foster family home that causes the home to exceed its licensed capacity. These emergency placements shall be made according to a preapproved service area plan as outlined below and are limited to a maximum of 30 days.

Before the start of each fiscal year, each service area shall submit to the central office for approval a plan for when an emergency occurs which necessitates the placement of a child in a foster family home that would exceed the licensing capacity. The plan shall define emergencies and identify a specific pool of preapproved homes which shall provide for placement of up to three additional foster children above the number that is allowed by the variances in the chart in subparagraph (2).

(4) A variance beyond the maximum capacity of the foster home license is needed for the placement of a specific child. A child-specific variance shall end when that child leaves the placement or any other change brings the family into licensed capacity.

d. All other licensing requirements including, but not limited to, parenting ability and available bedroom space must be met before a foster home can be approved for a variance.

113.4(2) Employees of the department as foster parents. Employees of the department may be licensed as foster family home parents unless they are engaged in the administration or provision of foster care services. Employees engaged in the administration or provision of foster care services include:

- a. Child care staff, social workers, youth service workers or their supervisors involved in programs for children in state institutions.
- b. Foster care service workers, foster care licensing staff, and their supervisors employed in county or central offices of the department.
- c. Other staff engaged in foster care placements, such as child protective staff or adoption workers.
- d. Department staff responsible for the development of policies and procedures relating to foster care licensing and placement.

113.4(3) Limits on foster family home licensure. A licensed foster family home shall not be permitted to be a licensed comprehensive residential facility, community residential facility, or licensed child care center.

This rule is intended to implement Iowa Code sections 237.3 and 237.5.